



03-09-04

Express Mail No. EV 335 859 186 US

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#27

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Barney *et al.* Confirmation No.: 7611
Serial No.: 08/487,355 Art Unit: 1648
Filed: June 7, 1995 Examiner: J. Stucker
For: METHODS FOR INHIBITION OF
MEMBRANE FUSION-
ASSOCIATED EVENTS,
INCLUDING HEPATITIS B
TRANSMISSION Attorney Docket No: 7872,027

**PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 C.F.R. § 1.181(a)**

Mail Stop **ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

Under 37 C.F.R. § 1.181(a), Applicants hereby respectfully petition to withdraw the Examiner's holding of abandonment as set forth in a Notice of Abandonment (~~"Notice"~~) mailed February 18, 2004 in connection with the above-identified application. A copy of the Notice issued February 18, 2004 is attached hereto; the Notice indicates that formal drawings are not acknowledged as timely received by the Patent and Trademark Office.

Applicants assert that the application was not in fact abandoned, and that corrected formal drawings were timely filed for this application on December 31, 2003. A copy of these drawings as filed is enclosed, as is a copy of a signed transmittal of formal drawings filed concurrently on December 31, 2003. Pursuant to MPEP 503, a copy of a return postcard receipt indicating the filing of the formal drawings and bearing the official December 31, 2003 date stamp of the United States Patent and Trademark Office, is attached hereto. This return postcard receipt features an itemized list of the documents filed with the United States Patent and Trademark Office on December 31, 2003. The filed formal drawings (52 drawings on 83 sheets) are represented on that itemized list. The return

postcard receipt also indicates Express Mail Label No. EV 335 858 146 US. Further in support of the Applicants' assertion is a copy of Express Mail Label No. EV 335 858 146 US, bearing the official date stamp of the United States Postal Service on December 31, 2003, as well as a copy of a signed Express Mail Certification under 37 C.F.R. § 1.10 that identifies those items, including the formal drawings for this application, deposited with United States Postal Service using the Express Mail Label No. EV 335 858 146 US on December 31, 2003.

Applicants thus respectfully believe that the February 18, 2004 Notice was issued in error and that the Examiner's holding of abandonment should be withdrawn.

~~Pursuant to MPEP § 711.03(e), it is believed that no fee is required for filing this transmittal.~~

In the event a fee is required, please charge the required fee to Deposit Account No. 16-1150.

Respectfully submitted,

Date March 8, 2004

 30,742
Laura A. Coruzzi (Reg. No.)

JONES DAY
222 E. 41st Street
New York, New York 10017-6702
(212) 790-9090

Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/487,355 | 06/07/1995 | SHAWN O'LIN BARNEY | 7872-027 | 7611 |

7590 02/18/2004
LAURA A CORUZZI
PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 100362711

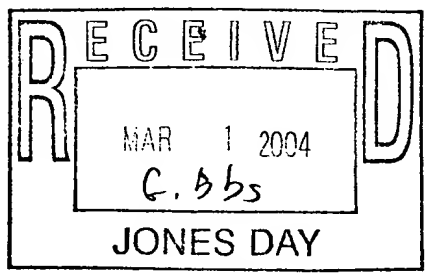
EXAMINER
STUCKER, JEFFREY J

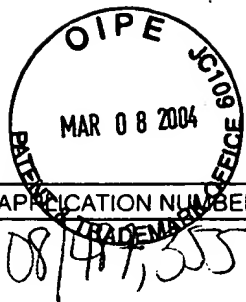
| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1648 | #260 |

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Petition to Revoke 2 mos. 4/18/04 gw





UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

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|--------------------|-------------|-----------------------|---------------------|
| APPLICATION NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
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08/47,355

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

#210
ABANDONMENT

DATE MAILED: CONTACT PERSON IS:
TOM HAWKINS
305-8380

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
 - ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.
 - ☒ The issue fee and publication fee, if applicable, have not been received.
- ☒ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☒ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.